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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/921,097	Applicant(s) HUDSON ET AL.	
	Examiner Sumaiya A. Chowdhury	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>54802 5128102</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 61 objected to because of the following informalities:

In claim 61, line 1, "claim 59" should be changed to --claim 60--, because "said sub-step of encoding" is recited in claim 60.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 12-13, 16-19, 27-28, 31-32, and 39-40, are rejected under 35 U.S.C. 102(e) as being anticipated by Krapf (6483986).

As for claims 1, 16, and 31, Krapf discloses a method for using an interactive video, the method comprising the steps of:

Displaying/delivering a video (12 – Fig. 1) over a network (28 – Fig. 1) on/to a visual display (4 – Fig. 1), the video having at least one embedded interface link (14 – Fig. 1) associated therewith, the interface link adapted to be displayed on the visual

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display and being linked to ancillary content (alternative subject matter data) accessible over a network (The viewer selects the alternative subject matter data by pressing a select button on the remote control which links the viewer to begin exploring the alternative subject matter - col. 3, lines 44-56);

interacting with the interface link to access the ancillary content - col. 4, lines 4-14;

interrupting/pausing the display/delivering of the video at a point in time – col. 4, lines 39-42;

delivering/accessing/displaying the ancillary content to the visual display for interaction by user – col. 4, lines 39-42; and

continuing the display/delivery of the video from the point in time where the display of the video was interrupted/paused after the interaction by the user – col. 4, lines 54-65.

As for claims 2, 17, and 32, Krapf discloses wherein said displaying step includes streaming video over a network to the visual display – col. 3, lines 65-67, col. 4, lines 1-3, col. 6, lines 16-18.

As for claims 3 and 18, Krapf discloses wherein said interacting step includes interacting with an interface link that is embedded in the video – (The streaming video data transmitted by the broadcast headend includes the alternative subject matter data.

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Hence, the alternative subject matter data is embedded in the video – col. 6, lines 38-43).

As for claims 4 and 19, Krapf discloses wherein said interacting step includes overlaying the interface link on the video on the visual display – (Referring to Fig. 1, the alternative subject matter is overlaid on the video - col. 4, lines 4-15).

As for claims 12, 27, and 39, Krapf discloses wherein said interacting step includes accessing ancillary content including information relating to the video (The alternative subject matter data is associated with the program of the channel - col. 6, lines 39-42).

As for claims 13, 28, and 40, Krapf discloses wherein said interacting step includes accessing ancillary content including video (The streaming video data includes the alternative subject matter (ancillary content) - col. 6, lines 36-40. The alternative subject matter is saved as compressed video - col. 7, lines 4-9).

4. Claims 55-57, and 59-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikinis.

As for claim 55, Kikinis discloses a method for conducting commerce over a network during the display of a video to a user, the method comprising the steps of:

displaying a video (advertisement) on a visual display (51, 53 – Fig. 1), the video having an interface link (URL link) associated therewith, the interface link being linked to a commerce site adapted to conduct commerce with the user that is accessible over a network (e.g. In the BMW advertisement, the different entities in the frame are associated with different URLs, and direct the user to different data locations on the same home page. On the web site, a user may conduct a commercial transaction – col. 7, lines 1-17, col. 8, lines 35-38, col. 9, lines 15-24);

interacting with the interface link during the display of the video to access the commerce site – (The user may access the web page to conduct a commercial transaction, e.g., purchase sports tickets or car dealer's product – col. 8, lines 30-38, col. 9, lines 15-24);

accessing the commerce site – (In order to purchase something, the user must be able to access the commerce site - col. 8, lines 30-38, col. 9, lines 9-24); and

displaying the commerce site on the visual display – (In order to purchase something, the user must be able to view the commerce site - col. 8, lines 30-38, col. 9, lines 9-24) .

As for claim 56, Kikinis discloses the step of completing a transaction with the commerce site (As discussed above in claim 55, if the user purchases something, then the user must complete a transaction with the commerce site).

As for claim 57, Kikinis discloses the step of interrupting said step of displaying the video after the interface link is interacted with (When the user clicks on an entity in the BMW advertisement (video), the system interrupts the advertisement and begins to execute browser routines accessing the web. - col. 7, lines 48-67).

As for claim 59, Kikinis discloses a method for creating an interactive video, the method comprising the steps of:

Encoding and storing the video onto a storage medium – (The STB decodes the data it receives, hence the data is encoded at the headend prior to transmitting it to the STB where it is decoded– col. 5, lines 33-41. Data is recorded (saved) at the headend – col. 6, lines 64-67, col. 7, lines 1-8);

creating a link program adapted to interrupt the delivery of video to a visual display and provide access to ancillary content accessible over a network and– (Once the user selects an entity on the advertisement, the system executes browser routines, accessing the WWW to retrieve the selected information (ancillary content), interrupting the current video programming - col. 7, lines 48-67).

associating the link program with the video – col. 7, lines 1-10, lines 18-27

delivering the video to the visual display – col. 8, lines 1-20; and

displaying the video on the visual display – col. 8, lines 1-20.

As for claim 60, Kikinis discloses wherein said associating step includes the sub-step of encoding the link program with the video onto the storage medium – (The advertisement is pre-recorded at the headend where data is recorded to be transmitted between frames identifying the position and extent of an object in the adjacent frame, and associating the object with a specific URL. - col. 6, lines 64-67, col. 7, lines 1-10).

As for claim 61, Kikinis discloses wherein said sub-step of encoding the link program is performed simultaneously with said step of encoding the video – (As discussed above in claim 60, since the data associating the object with a specific URL is pre-recorded with the video at the headend, the link program is simultaneously encoded with the video).

As for claim 62, Kikinis discloses wherein the video is received from a cable TV link and/or satellite link – col. 5, lines 33-36, and the link program originates from a web server such that the user could access web data pertinent to the video programming via telephone modem (35) or ISDN (39)– col. 5, lines 55-60, col. 7, lines 60-67, col. 8, lines 1-5.

As for claim 63, Kikinis discloses wherein said delivering step includes the sub-step of overlaying the video with the link program during said displaying step – col. 7, lines 48-67.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-6, 8, 10-11, 14-15, 20-21, 23, 25-26, 29-30, 33, 35, 37-38, and 41-45, 47, and 49-54, are rejected under 35 U.S.C. 103(a) as being unpatentable over Krapf in view of Kikinis (5929849).

As for claims 5 and 20, Krapf fails to disclose wherein said interacting step includes interacting with the interface link originating from a separate feed from that of the video.

In an analogous art, Kikinis discloses wherein the video is received from a cable TV link and/or satellite link – col. 5, lines 33-36, and the interface link (web page) is received from a web server such that the user could access web data pertinent to the video programming via telephone modem (35) or ISDN (39) – col. 5, lines 55-60, col. 7, lines 60-67, col. 8, lines 1-5.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf's system to include wherein the video is received

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from a cable TV link and/or satellite link and the interface link is received from a web server via a telephone line, as taught by Kikinis, for the advantage of allowing the user to access web data pertinent to the video programming via alternative communication medium.

As for claims 6, 21, 33, and 45, Krapf fails to disclose wherein said interacting step includes hiding the interface link from view on the display until interacted with by the user.

In an analogous art, Kikinis discloses wherein the interface link (web location) is hidden from view until the viewer selects the image, resulting in invoking a linked URL which leads to a web location which provides information related to the image – col. 5, lines 17-23.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf's system to include wherein the interface link is hidden from view until the viewer selects the image, resulting in invoking a linked URL which leads to a web location, as taught by Kikinis, for the advantage of providing information related to the image in an enhanced mode when needed but hiding the information when not needed.

As for claims 8, 23, 35, and 47, Krapf fails to disclose wherein said interacting step includes interacting with primary ancillary content having a link to secondary ancillary content.

In an analogous art, Kikinis discloses wherein different entities in a frame may be associated with different URLs, and may serve to direct the user to the particular web page (primary ancillary content) when the image is selected. The user browses the particular web page which has links on it and then further accesses a link on the web page by selecting it. The link takes the user to a secondary web page (second ancillary content) which allows the user to access additional desired information— col. 7, lines 10-17.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf's system to include wherein said interacting step includes interacting with primary ancillary content having a link to secondary ancillary content, as taught by Kikinis, for the advantage of allowing the user to access additional desired information.

As for claims 10, 25, 37, and 49, Krapf discloses wherein said interacting step includes the sub-step of conducting a commercial transaction with a user.

In an analogous art, Kikinis discloses wherein the user may buy (commercial transaction) a dealer's product through the web page for the advantage of allowing the process of buying a product from another user painless and user/buyer friendly – col. 8, lines 35-37.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf's system to include wherein said interacting step includes the sub-step of conducting a commercial transaction with a user, as taught by

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Kikinis, for the advantage of allowing the process of buying a product from another user painless and user/buyer friendly.

As for claims 11, 26, 38, and 50, Krapf fails to disclose wherein said interacting step includes the sub-step of accessing ancillary content having a link to a site adapted to handle the commercial transaction.

In an analogous art, Kikinis discloses wherein the user may purchase a dealer's product or a sports ticket. As this is possible, the system inherently has a link to a site adapted to handle the commercial transaction for the advantage of allowing the process of buying a product from a dealer painless and user/buyer friendly – col. 8, lines 35-37, col. 9, lines 20-24.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf's system to include wherein said interacting step includes the sub-step of accessing ancillary content having a link to a site adapted to handle the commercial transaction, as taught by Kikinis, for the advantage of allowing the process of buying a product from a dealer painless and user/buyer friendly.

As for claim 51, Krapf and Kikinis disclose wherein said interacting step includes accessing ancillary content including information relating to the video (In particular, Krapf discloses wherein the alternative subject matter data is associated with the program of the channel - col. 6, lines 39-42).

As for claim 52, Krapf and Kikinis disclose wherein said interacting step includes accessing ancillary content including video (In particular, Krapf discloses the streaming video data includes the alternative subject matter (ancillary content) - col. 6, lines 36-40. The alternative subject matter is saved as compressed video - col. 7, lines 4-9).

As for claims 14, 29, 41, and 53, Krapf fails to disclose wherein said interacting step includes the sub-step of conducting a commercial transaction using the ancillary content.

In an analogous art, Kikinis discloses the user may purchase a product using the ancillary content for the advantage of allowing the process of buying a product from another user painless and user/buyer friendly – col. 8, lines 35-38, col. 9, lines 21-23.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf's system to include wherein said interacting step includes the sub-step of conducting a commercial transaction using the ancillary content, as taught by Kikinis, for the advantage of allowing the process of buying a product from a dealer painless and user/buyer friendly.

As for claim 15, 30, 42, and 54, Krapf fails to disclose wherein said displaying step includes displaying video having a plurality of interface links associated therewith.

In an analogous art, Kikinis discloses different entities in the frame may be associated with different URLs, and may serve to direct the user to different home pages on the web – col. 7, lines 10-15.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf's system to include wherein different entities in the frame may be associated with different URLs, as taught by Kikinis, for the advantage of directing the user to different home pages on the web.

Claim 43 contains limitations of claim 1, 4, and 5 and is analyzed as previously discussed with respect to those claims.

Claim 43 additionally calls for:

The overlaid interface link being linked to ancillary content (Krapf, col. 4, lines 4-15).

As for claim 44, Krapf and Kikinis disclose wherein said displaying step includes streaming video over a network to the visual display. In particular, Krapf discloses the display displays the streaming video distributed over the network— col. 3, lines 65-67, col. 4, lines 1-3, col. 6, lines 16-18.

6. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis in view of Krapf.

As for claim 58, Kikinis discloses accessing the commerce site, but fails to disclose continuing said step of displaying the video from the point in time where the display of video was interrupted after accessing the ancillary content.

In an analogous art, Krapf discloses wherein after viewing the alternative subject matter data (ancillary content), the system resumes viewing the first content where it was last left off such that the user does not miss any video programming— col. 4, lines 52-67.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Kikinis's system to include continuing said step of displaying the video from the point in time where the display of video was interrupted after accessing the ancillary content, as taught by Krapf, for the advantage of allowing the viewer to not miss any video programming by displaying the video programming where it was last left off.

7. Claims 7, 22, 34, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krapf in view of Call (6154738).

As for claims 7, 22, 34 and 46, Krapf fails to disclose wherein said displaying step includes displaying the interface link being at least a partially transparent graphic.

In an analogous art, Call discloses wherein a transparent graphic is displayed to indicate to the user a particular message – col. 19, lines 40-50.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf's system to include wherein partially transparent graphics are displayed, as taught by Call, for the advantage of indicating a particular message to the user.

8. Claims 9, 24, 36, and 48 rejected under 35 U.S.C. 103(a) as being unpatentable over Krapf in view of Alonso (6184878).

As for claims 9, 24, 36, and 48, Krapf fails to disclose wherein said displaying step includes displaying an interface link that provides the appearance of moving across the screen of the visual display as the video is being played.

In an analogous art, Alonso discloses wherein moving images are displayed such that the subscriber may dynamically interact it – col. 7, lines 25-35.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf's system to include wherein moving images are displayed, as taught by Alonso, for the advantage of allowing the subscriber to dynamically interact with it.

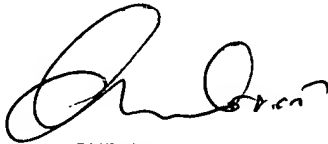
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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